

**THIRD EXTENSION OF
ASSIGNMENT AND ASSUMPTION AGREEMENT FOR
OPERATION OF THE CITY OF COSTA MESA TENNIS CENTER**

This Third Extension of the Assignment and Assumption Agreement for Operation of the City of Costa Mesa Tennis Center ("Third Extension") is made and entered into as of September 20, 2022 by and between the City of Costa Mesa, a California municipal corporation ("City") and Top Seed Tennis Academy, Inc. ("Lessee").

RECITALS

WHEREAS, City owns the Costa Mesa Tennis Center ("Tennis Center") located at Tewinkle Park in the City of Costa Mesa; and

WHEREAS, City and Lessee are parties to an Assignment and Assumption Agreement dated March 1, 2022 with former Lessee Hank Lloyd dba HML Tennis ("Lloyd") for transfer of the rights and obligations for operation of the Tennis Center from Lloyd to Lessee, on an interim basis for four (4) months, with the right to extend by the City for up to two (2) additional two (2) month periods ("Agreement"); and

WHEREAS, City and Lessee extended the Agreement for a two-month period through August 31, 2022, through the First Extension of the Agreement, dated July 1, 2022 ("First Extension"); and

WHEREAS, City and Lessee extended the Agreement for a two-month period through October 31, 2022, through the Second Extension of the Agreement, dated September 1, 2022 ("Second Extension"); and

WHEREAS, City and Lessee now desire to extend the Agreement for one additional two-month period, through December 31, 2022.

NOW, THEREFORE, the parties agree as follows:

1. The Agreement shall be extended for two months, through and including December 31, 2022.
2. All terms not defined herein shall have the same meaning and use as set forth in the Agreement.
3. Except as extended, the terms of the Agreement shall remain in full force and effect.
4. This Third Extension may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement. Counterpart written signatures may be transmitted by facsimile, email or other electronic means and have the same legal effect as if they were original signatures.

[SIGNATURES ON FOLLOWING PAGE.]

TOP SEED TENNIS ACADEMY, INC.

Steve McAvoy
President

Date: _____

CITY OF COSTA MESA

Lori Ann Farrell Harrison
City Manager

Date: _____

ATTEST:

Brenda Green
City Clerk

APPROVED AS TO FORM:

Kimberly Hall Barlow
City Attorney